REMARKS

Claims 16 and 18-26 are pending. Claim 16 is an independent claim. Claims 16, 18, 19, 21, 25, and 26 are amended in this response. No new matter is added. Reconsideration and allowance of the above-referenced application are respectfully requested.

35 USC 112

Claim 16 stands rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 16 is amended in this response to obviate the rejection. Accordingly, it is respectfully requested that the rejection of claim 16 under 35 USC 112, first paragraph, be withdrawn.

35 USC 102 & 35 USC 103

Claims 16 and 25-26 stand rejected under 35 USC 102(e) as allegedly being anticipated by Farrell et al. (US 6,751,663), hereinafter "Farrell". Claims 18 and 19 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell and Barrett et al. (US 6,633,909), hereinafter "Barrett". Claims 20 and 24 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell and Libert et al. (US 6,574,655), hereinafter "Libert". Claims 21-23 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Fletcher et al. (WO 98/26541), hereinafter "Fletcher".

As amended, claim 16 recites, "receive discovery data collected from a discoverable device by two or more discovery agents; aggregate said discovery data; generate a relationship file characterizing relationships among discoverable devices identified by the two or more discovery agents; coalesce the discovery data in a software file comprising a discovery document, said discovery data including two or more duplicate

data entries, wherein each data entry relates to a discoverable device identified by the two or more discovery agents; and remove all but one of the duplicate data entries from the discovery document." (Emphasis added). Farrell does not describe all the features recited in claim 16.

Farrell describes a system for collecting and aggregating data from network entities for a data consuming application. See, Farrell at Abstract. Farrell does not describe receiving discovery data collected from a discoverable device by two or more discovery agents, as claimed.

In this regard, Farrell states, "...a system, a corresponding method for collecting data from network entities for a data consuming application is provided. Each data collector in the plurality of data collectors is associated with a different one of the network entities and produces network activity records based on the information received from the associated different one of the network entities." (Emphasis added). See, Farrell, col. 1, lines 17-25. Thus, Farrell describes collecting data from network entities for a data consuming application. Farrell does not describe receiving discovery data from a discoverable device, as claimed. Further, Farrell describes associating each data collector with one network entity. Farrell does not describe that two or more data collectors receive data from a discoverable network device.

Since Farrell describes collecting data for a data consuming application, Farrell does not describe receiving discovery data from a discoverable device. Further, in Farrell, since each data collector is associated with a different one of the network entities, Farrell does not describe "discovery data collected from a discoverable device by two or more discovery agents" as claimed. Furthermore, since Farrell does not describe receiving discovery data collected from a discoverable

device by two or more discovery agents, and since, in Farrell, each data collector is associated with one network entity, Farrell does not describe that said discovery data received from a discoverable device includes two or more duplicate entries, wherein each data entry relates to a discoverable device identified by the two or more discovery agents, as claimed.

In addition, the Office Action mailed on March 15, 2006 states:

> Aggregation requires two or more duplicate data entries and then subsequently removing or modifying said data entries. If said data entries were not removed and/or modified, they would remain as duplicate entries and the point of aggregating said data entries would be moot.

See, Office Action mailed on March 15, 2006, page 2, paragraph 3.

The Office Action appears to contend that since Farrell describes aggregation, Farrell inherently describes removing duplicate entries. This contention cannot be supported.

As discussed previously, Farrell describes that each data collector in the plurality of data collectors is associated with a different one of the network entities. Since, in Farrell, two or more data collectors are not associated with the same network entity, Farrell does not describe that two or more data collectors collect data from the same network entity. Thus, Farrell does not describe "coalesce the discovery data in a software file comprising a discovery document, said discovery data including two or more duplicate data entries, wherein each data entry relates to the discoverable device, and remove all but one of the duplicate data entries from the discovery document," as claimed. Regardless, Farrell does not describe collecting discovery data from a discoverable device. In addition, the cited portion of Farrell does not describe that

all but one of the duplicate data entries are removed from the discovery document, as claimed.

Thus, Farrell does not describe all the features of claim 16. Neither Barrett, Fletcher, or Libert cures this deficiency of Farrell. Accordingly, claim 16 is patentable. Claims 18-26 are also patentable at least for reasons similar to claim 16 and for the additional features that they contain.

For example, claim 18 recites, "wherein the instructions that cause the computer to receive discovery data comprise instructions that cause the computer to call said two or more discovery agents from an agent directory."

The suggested combination of Farrell and Barrett does not disclose all the features recited in claim 18. Farrell does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Barrett does not rectify this deficiency in Farrell. Barrett describes a method for guaranteeing a network manager discovers simple network management protocol (SNMP) agents on a communications network. See, Barrett at Abstract. But, the cited portion of Barrett does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Thus, the suggested combination of Farrell and Barrett does not disclose all the features of claim 18. Therefore, a prima facie case of obviousness is not established.

Accordingly, claim 18 should be patentable. Claim 19 should also be patentable at least for the same reasons and the additional recitations that it contains.

Claim 20 recites, "wherein the agent directory comprises a plurality of Extensible Markup Language (XML) files." The suggested combination of Farrell and Libert does not disclose

all the features recited in claim 20. Farrell does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Libert does not rectify this deficiency in Farrell.

Libert describes the associative management of distributed multimedia assets and associated resources using multi-domain agent-based communication between heterogeneous peers. See, Libert, col. 1, lines 15-19. The cited portion of Libert does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document, as claimed. Thus, Farrell and Libert, taken alone or in any combination, do not describe or suggest all the features in the claimed subject matter. Therefore, a prima facie case of obviousness is not established. Accordingly, claim 20 should be patentable.

With respect to claims 21-23, as discussed previously, Farrell does not describe all the features of the claimed subject matter. Fletcher does not rectify the deficiency in Farrell. Fletcher describes distributed remote monitoring (dRMON) of network traffic and performance using distributed nodes to collect traffic statistics at distributed points in the network. See, e.g., Fletcher at Abstract. Fletcher does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Thus, the suggested combination of Farrell and Fletcher does not describe or suggest all the features of the claimed subject matter. Therefore, a prima facie case of obviousness is not established. Accordingly, claim 21 should be patentable. Claims 22 and 23 should also be patentable at least for the same reasons and the additional recitations that they contain.

CONCLUSION

In view of the amendments and remarks herein, claims 16 and 18-26 are in condition for allowance and notice of allowance is respectfully requested. It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply any credits or additional charges to deposit account 06-1050.

Respectfully submitted,

Date: Sept. 17 '07

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